



winter 2009

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# The Nevada State Board of Dental Examiners

Providing information and education  
to Nevada's dental health care professionals

## OWNERSHIP OF PRACTICE

The Board of Dental Examiners has held three workshops since August pursuant to the rulemaking procedures for drafting regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry.

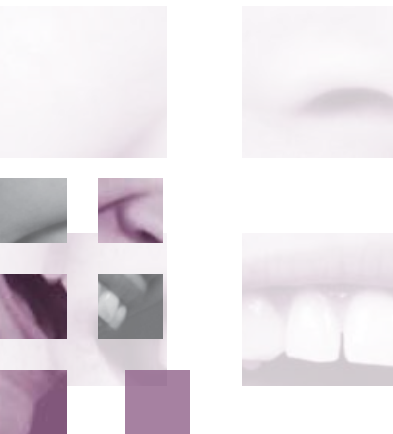
The recently adopted legislation, Senate Bill 295, will allow a person or entity not licensed by the NSBDE to provide certain goods and services for the support of the business of the dental practice so long as such person or entity does not manage or control the clinical practice of dentistry or share in revenues or profits of the dental practice.

The goods and services offered may include real and personal property other than the ownership of the clinical records of the patients and may involve personnel other than those licensed dentists and dental hygienists.

The person or entity who manages the dental practice must register with the Board, along with providing the name and address of the dental practice and the names of the licensed dentist(s) or other entity not prohibited from owning or operating a dental practice.

The major areas of concern raised by both the Senate and Assembly Commerce Committees dealt with making sure that dental management entities could not share in fees, that they must register with the Board, and that they cannot affect any clinical aspects of the dental practice.

The Legislature directed the Board to develop regulations to implement SB 295. Three workshops have been held on August 14th, September 12th and October 9th to hear testimony and concerns. There is still an opportunity to share your views. A final workshop will be conducted on December 4th. Please refer to the NSBDE website at [www.nvdentalboard.nv.gov](http://www.nvdentalboard.nv.gov) for further information.



## Health Clinic to Open

Volunteers in Medicine Southern Nevada is opening a clinic in Paradise Park this holiday season on Tropicana and Mojave which will provide medical services to approximately 25,000 uninsured patients annually. With a staff of more than 200 volunteers, the medical clinic will initially focus on adult and pediatric primary care, acute and preventative care, prenatal care, physicals and immunizations, social services and provide a pharmacy component. The clinic will be staffed by both active and retired health care professionals and administrators through generous contributions of time and resources. This clinic will not offer any dental services at this time.

## A 'Record' Error

by Hilary Scheele

As referenced in NRS 629.061 and pursuant to NRS 631.3485 the failure to make patient health care records available for inspection and copying constitutes unprofessional conduct. Health records must be made available to the patient and/or to the NSBDE upon request. Further, no more than a 60-cent per page copying fee shall be assessed and only the actual cost incurred shall be assessed for duplication of any radiographs (x-rays) requested. Recent changes to requirements for health care records passed by the Nevada Legislature effective October 1, 2009, are noted elsewhere in this newsletter.



Photo: Mark Smith, Editor, Pahrump Valley Times

Currently, health care records must be maintained for up to five years. Because they contain personal, protected health information as well as financial information, health care records should be disposed of by shredding or similar destruction-- at the appropriate time. This may be done by a personal, small capacity shredder or shredding company but health care records should never be disposed of haphazardly in a dumpster or in the desert. Such disposal methods may be violations of state law as well as federal law. Violations of federal laws regarding health care information would be investigated by the Department of Justice. Please be aware that other forms of the records, like radiographs (x-rays) or models, may require other means of proper disposal and local health district authorities should be contacted regarding proper disposal of radiographic records or other recorded form data using diverse materials.

Recently, employees from the Nevada State Board of Dental Examiners went to Pahrump to collect and retrieve health care records dumped in the desert after receiving a phone call reporting the incident. As was reported by the Pahrump Valley Times in an article published June 24th, there were records dating back to 2006--well within the five year requirement for record retention. The State Dental Board is currently holding the records retrieved. Clearly, this method of disposal is not appropriate.

For more information on health care records view NRS 631.3485 and NRS 629.061. For more information on The Pahrump Valley Times article visit the link: <http://www.pahrumpvalleytimes.com/2009/Jun-24-Wed-2009/news/29576220>.

## Separate Dental Hygiene Board Defeated in Legislature

SB 320 was introduced during the 2009 session by Senator Maggie Carlton to create a separate board of examiners for dental hygienists. The legislation was unsuccessful. Legislative members looked to the NSBDE already having a Dental Hygiene Committee (NRS 631.205) that was created to review hygiene specific issues for the public, hygienists, and dentists.

## Limited Licensure for CE Supervision Passes Legislature

Regulations are currently being drafted for legislation that passed allowing for the limited licensure of those supervising a course of CE involving live patients.

AB 314 authorizes the board to issue a limited license for supervision if the person has received a degree from a dental school or college accredited by the Commission on Dental Accreditation of the American Dental Association, has a current practice license in another state in good standing, has no convictions of felonies or misdemeanors involving moral turpitude, and pays the required fees. The license will be location-specific and will expire in one year.

Dentists from out-of-state who participate in live patient continuing education courses at permanent facilities registered with the board must bring their own patient of record for the course and must be supervised by an unrestricted Nevada licensee or by a dentist issued the new limited license. They are not allowed to perform treatment on a Nevada resident unless the patient is originally seen by that Nevada licensee. Complaint procedures are currently being considered by the Board as well as specific language to safeguard patients and their records. Facilities must be registered and comply with other Nevada law. For further information on these proposed regulations and the date of the workshops, check the NSBDE website at [www.nvdentalboard.nv.gov](http://www.nvdentalboard.nv.gov).

## Changes to Administration of Anesthesia and Sedation

The passage of AB 123 requires offices of physicians and other health care facilities to obtain a permit and national accreditation before providing certain anesthesia services.

The Dental Board has conducted a workshop and is currently deliberating over this law's application to the use of Nevada licensed anesthesiologists in dental offices pursuant to NRS 631.2236. Physicians licensed pursuant to NRS 630 and osteopathic physicians licensed pursuant to NRS 633 who administer oral medications for anxiety relief are not included in AB 123

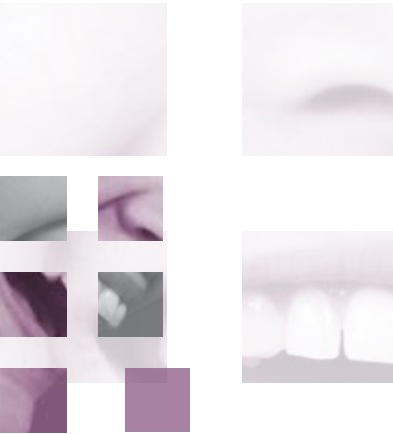
requirements so long as the dose of the medication is not sufficient to induce minimal depression of consciousness, which would be conscious sedation.

The Board's Anesthesia Committee is also considering a recommendation to the Board requiring monitoring, by pulse oximeter, of all patients under the age of 13 administered any dose of oral medication or nitrous oxide analgesia.

Please see the NSBDE website for information about further rulemaking hearings to be conducted soon at [www.nvdentalboard.nv.gov](http://www.nvdentalboard.nv.gov).

## Administration of OraVerse

At its May meeting, the NSBDE unanimously approved the administration of OraVerse by registered dental hygienists who are permitted to administer local anesthesia. OraVerse is a local dental anesthetic reversal agent.



## New 'Terrorism' Course Approved

The Legislature adopted AB 250 with authorizing language enabling the board to recognize other course providers for the 'terrorism' course relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course, required pursuant to NRS 631.342(1)(d) must still be completed within two years of initial licensure. For further information, please refer to the NSBDE website at [www.nvdentalboard.nv.gov](http://www.nvdentalboard.nv.gov).

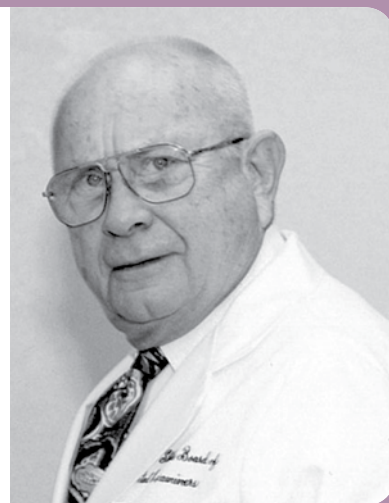
## Modifications Made for Specialty Licensure by Credential

The Legislature has made some changes to the requirements for applying for a specialist's license by credential. The new legislation, AB314, gives the Board the authority to issue a specialist's license to a person who has completed the educational requirements specified for qualification by a certifying board recognized by CODA, obtained 'board eligibility' status, and submitted to the Board his certificate as a diplomate within six years after he is issued the specialist's license. Specialty licensees must also maintain the certification while licensed as a specialist in Nevada. For further details contact the NSBDE at (702) 486-7044 or (800) 337-3926.

## Renewal Reminder

Dental Hygienists and limited licensees will be renewing their licenses in 2010. Notices will be sent out by March 15, 2010 with a deadline due date of June 30, 2010. Failure to complete license renewal by June 30th results in automatic suspension of the license and requires a \$200 reinstatement fee along with applicable license fees. Early renewal, by May 15, 2010, will have a fee discount. So, get your continuing education hours completed and watch your mail for renewal information!

NEVADA STATE BOARD OF  
DENTAL EXAMINERS, STAFF AND  
CONSULTANTS ACKNOWLEDGE THE  
PASSING OF FORMER EXECUTIVE  
DIRECTOR OF THE NEVADA STATE  
BOARD OF DENTAL EXAMINERS,  
**DR. WILLIAM L. THOMASON, DDS.**  
DR. THOMASON, AFFECTIONATELY  
KNOWN AS 'UNCLE BILLY' PASSED  
AWAY ON SEPTEMBER 29, 2009.



## Board Action Information : April 2009 — November 2009

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